

SENATE No. 1607

The Commonwealth of Massachusetts

PRESENTED BY:

Harriette L. Chandler

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the land court department of the Trial Court.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Ms. Chandler	First Worcester
James J. O'Day	I don't know

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00830 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE LAND COURT DEPARTMENT OF THE TRIAL COURT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of chapter 185 of the General Laws, as appearing in the 2000
2 Official

3 Edition is hereby amended by striking out the introductory paragraph and inserting in place
4 thereof the following introductory paragraph:-

5 The land court department established under section 1 of chapter 211B shall be a court of record,
6 and wherever the words "land court", or wherever in this chapter the word "court" is used in that
7 context, they shall refer to a division of the land court department of the trial court, and the
8 words "judge of the land court" or the word "judge", in context, shall mean an associate justice of
9 the trial court appointed to a division of the land court department. The land court department
10 shall have exclusive original jurisdiction of the following matters:

11 SECTION 2. Said section 1 of said chapter 185, as so appearing, is hereby further
12 amended by striking out the last 3 paragraphs and inserting in place thereof the following 3
13 paragraphs:-

14 The court shall be composed of an eastern division, including the former counties of Essex and
15 Middlesex, the counties of Suffolk, Norfolk, Bristol, Plymouth, Barnstable, and Dukes, and a
16 western division, including the former counties of Hampden, Hampshire, Berkshire and
17 Worcester, and the county of Franklin. The court shall hold its sessions in Boston and Worcester,
18 but may adjourn from time to time at such other places as public convenience may require. In
19 Suffolk county, the city of Boston shall provide suitable rooms for the sittings of the court in the
20 same building with, or convenient to, the probate court or the registry of deeds. In other counties
21 or former counties, the trial court or the commonwealth, whichever is applicable, shall provide
22 suitable rooms for the sittings of the court in the same building with, or convenient to, the
23 probate court or the registry of deeds.

24 The court shall always be open, except on Saturdays, Sundays, and legal holidays, and shall have
25 a seal with which all orders, processes, and papers, made by or proceeding from the court and
26 requiring a seal, shall be sealed; but if the convenience of the public so requires, the court shall
27 be open on such Saturdays, not legal holidays, and during such hours thereof, as the judges
28 thereof may determine. Its notices, order, and processes may run into any county within its
29 division and be returnable within the respective division as it directs.

30 The court shall from time to time make general rules and forms for procedure, which,
31 before taking effect, shall be approved by the supreme judicial court or by a justice thereof.

32 SECTION 3. Section 6 of said chapter 185, as so appearing, is hereby amended by
33 inserting after the word "recorder", in line 2, the following words:- of each division.

SECTION 4. Section 22 of said chapter 185, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Writs, complaints, bills, pleadings, and proceedings in the land court may be filed with the recorder of the land court for the division covering the town in which the land is located, or with the register of deeds for the district where the land or any part thereof lies, who shall immediately index the proceedings in the general index by the names of the parties, and transmit the papers to the recorder.